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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Okechekwu Mbama, individually and on  
behalf of all others similarly situated

Plaintiff,

vs.

Target Corporation, a Minnesota  
Corporation, and Does 1-25, inclusive,

Defendant.

Case No. 07-03014 SI

**OPPOSITION TO DEFENDANT'S  
SUPPLEMENTED NOTICE OF  
PENDENCY OF OTHER ACTION OR  
PROCEEDING**

Hon. Susan Illston

To the Clerk of Court, defendant Target Corporation, and defendant's attorneys of record:

Plaintiff Okechukwu Mbama hereby submits its opposition to defendant Target Corporation's  
supplemented notice of related cases as follows:

Defendant Target Corporation alleges that the following case is related to this case: *Cheryl  
Kier, Plaintiff, v. Target Corporation, a Minnesota Corporation, and Does 1-25 inclusive, Defendant,*

1 U.S.D.C., C.D. Cal., No. CV 07-02739 (“*Kier v. Target*”). That case is not related to this case. *Kier v.*  
2 *Target* is an individual action, not a class action, and will involve dramatically different factual and  
3 legal issues, different mutual discovery, and different witnesses. By defendant Target Corporation’s  
4 logic, if *Kier v. Target* is “related” to this case, then so is every individual wage and hour dispute  
5 between Target Corporation and its employees, nationwide.

6 The complaint in this case states a claim for unlawful business practices, pursuant to California  
7 Business and Professions Code section 17200 et seq. That claim does not appear in *Kier v. Target*.  
8 Conversely, Cheryl Kier states claims for failure to pay wages, failure to pay minimum wages, and  
9 failure to pay overtime wages, none of which are pled in this case. The only facts for which Cheryl  
10 Kier must demonstrate a factual basis relate to her personal experiences working at a single store. In  
11 this case, plaintiff must obtain and review statewide data relating to thousands or tens of thousands of  
12 employees, and show that such data supports his claim regarding Target Corporation’s practices at  
13 hundreds of stores.

14 Plaintiff’s counsel did at one time, when Cheryl Kier still sought to represent a class, attempt to  
15 add Okechukwu Mbama to that case as a named plaintiff. That is irrelevant to the cases as they now  
16 stand, and in particular to whether they are related within the meaning of Civil Local Rule 3-13. That  
17 rule deems another action “related” if it “involves all or a material part of the same subject matter and  
18 all or substantially all of the same parties as another action”. *Kier v. Target* involves a very small  
19 fraction of the same subject matter, and only one of the parties to this action (defendant Target  
20 Corporation).

21 For the foregoing reasons, Plaintiff Okechukwu Mbama requests that the Court find this case  
22 “not related” to *Kier v. Target*.

23  
24 Dated: August 14, 2007

Bailey Pinney, PC

25  
26 By /s/  
Shelby L. Clark  
Attorneys for Plaintiffs  
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